

ALLEGED SHIPMENT: On or about August 14, 1945, by the Waupun Canning Co., from Waupun, Wis.

PRODUCT: 1,731 cases, each containing 24 cans, of peas at Nashville, Tenn. The alcohol-insoluble solids of the peas were more than 23.5 percent, and no written agreement existed between the shipper and the consignee as to the labeling of the product. The packer shipped labels reading in part "Early June Peas" in the same car with the peas.

LABEL, IN PART: (Carton) "Alaska Peas Unlabeled."

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it was represented as canned peas, for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear, as required, the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article fell below the standard of quality.

DISPOSITION: February 25, 1946. The Waupun Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10819. Misbranding of canned peas. U. S. v. 45 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18940, 19448, 19449. Sample Nos. 5025-H, 59623-H, 59624-H.)

LIBELS FILED: January 5 and March 20, 1946, Eastern and Western Districts of Pennsylvania.

ALLEGED SHIPMENT: On or about October 9 and November 16 and 19, 1945, by Stokely-Van Camp, Inc., from Norwalk, Ohio, and Trenton, N. J.

PRODUCT: 45 cases at Philadelphia, Pa., 399 cases at Uniontown, Pa., and 500 cases at West Brownsville, Pa. Each case contained 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Glen Valley Brand Sifted Early June Peas * * * Distributed by Jeffersonville Packing Co., Inc., Indianapolis, Ind.," or "Our Favorite Brand Early June Peas * * * Distributed by Fame Canning Company, Inc., * * * Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: March 28 and April 3 and 8, 1946. Stokely-Van Camp, Inc., claimant for the West Brownsville and Uniontown lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the Philadelphia lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10820. Misbranding of canned peas. U. S. v. 481 Cases * * *. (F. D. C. No. 18356. Sample No. 24901-H.)

LIBEL FILED: November 9, 1945, Eastern District of Texas.

ALLEGED SHIPMENT: On or about July 18, 1945, by the Fall River Canning Co., from Janesville, Wis.

PRODUCT: 481 cases, each containing 24 cans, of peas at Beaumont, Tex. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee as to its labeling. It was invoiced as standard peas.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it failed to bear a label containing the common or usual name of the optional ingredient, as required by the definition and standard of identity; and, Section 403 (h) (1), it failed to conform to the standard of quality because of high alcohol-insoluble solids, and it was not labeled to indicate that fact.